

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COMAIR LIMITED,

Plaintiff,

vs.

THE BOEING COMPANY,

Defendant.

No. 2:23-cv-00176-RSM

STIPULATED MOTION AND ORDER
FOR LEAVE TO FILE COMAIR'S
REDACTED OPPOSITION TO BOEING'S
MOTION TO DISMISS

INTRODUCTION

Pursuant to Local Civil Rule 5(g)(3)(B)(iii), Defendant The Boeing Company ("Boeing") and Plaintiff Comair Limited ("Comair") respectfully move this Court to grant Comair leave to file redacted versions of Comair's Opposition to Boeing's Motion to Dismiss ("Opposition to Motion to Dismiss") and maintain the unredacted copy under seal because Boeing contends it contains copies, quotations and summaries of confidential documents containing sensitive contractual terms. The proposed public version of the Opposition to Motion to Dismiss, with redactions applied for the Court's convenience, is attached as Exhibit A.

PROCEDURAL HISTORY

The Parties jointly follow up on their prior request to seal the Opposition to the Motion to Dismiss, which the Court granted on May 23, 2023. *See* ECF No. 38. Boeing contends that of Comair's 23-page Opposition, only portions of three paragraphs that cite or summarize confidential purchase agreements containing sensitive contract terms should remain under seal to protect Boeing and its customers' confidential contracts.

LEGAL STANDARD AND ARGUMENT

This stipulation adopts and incorporates by reference the Parties' Stipulated Motion and Order for Leave to File Under Seal at ECF No. 35. For the reasons set out in the Stipulated Motion, Boeing contends the particular contractual terms of the purchase agreements excerpted or summarized in Comair's Opposition to Motion to Dismiss should be redacted in the public filing. Redacting only this information is the least restrictive method available to ensure protection of Boeing's confidential and sensitive information. *See* LR (5)(g)(3)(B)(iii) (requiring the least restrictive method to ensure protection of material to be sealed). Because there are no less restrictive alternatives available, Boeing proposes redacting this information and Comair does not object.

CONCLUSION

For the foregoing reasons, the Parties respectfully request that this Court grant Comair leave to file its Opposition to Motion to Dismiss attached as Exhibit A (with the proposed redactions applied) leaving sealed only the clauses and sentences that disclose the contents of Boeings' proprietary business contracts, and the contracts themselves.

IT IS SO STIPULATED by and between the Parties.

1 DATED: May 30, 2023

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15 **ORDER**

16 Based upon the foregoing Stipulation, the Court hereby:

17 ORDERS, ADJUDGES AND DECREES that the redacted copy of Comair's
18 Opposition to Boeing's Motion to Dismiss may be filed on the docket.

19 IT IS SO ORDERED.

20 DATED this 31st day of May, 2023.

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22 RICARDO S. MARTINEZ
23 UNITED STATES DISTRICT JUDGE
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